

AMENDED IN SENATE JUNE 15, 1999

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1104**

~~Introduced by Committee on Budget (Ducheny (Chair), Cardenas, Cedillo, Correa, Firebaugh, Florez, Keeley, Nakano, Papan, Reyes, Scott, Strom-Martin, Torlakson, Wildman, and Wright)~~ *Assembly Member Migden and Senators Hayden and Bowen*

February 25, 1999

~~An act relating to natural resources, and declaring the urgency thereof, to take effect immediately. An act to amend Section 13385 of, and to add Sections 13263.3, 13263.6, and 13362 to, the Water Code, relating to water.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1104, as amended, ~~Committee on Budget Migden. Natural resources: Budget Act of 1999 Water quality: waste discharge requirements and penalties.~~

*(1) Under existing law, the State Water Resources Control Board and the California regional water quality control boards are among the principal agencies with primary regulatory authority over water quality.*

*This bill, under specified circumstances, would authorize the state board, a regional board, or a publicly owned treatment works (POTW) to require a discharge or industrial discharger, as defined, subject to its jurisdiction to complete a prescribed pollution prevention plan. The bill would authorize a regional board to require a POTW to complete a*

*pollution prevention plan with specified components, thereby imposing a state-mandated local program. The bill would require the state board or regional board to solicit comments from the public on a pollution prevention plan prepared pursuant to these provisions and to address the public comments when determining what schedule of actions to establish. The bill would authorize a POTW to require pollution prevention plans as part of the pretreatment requirements applicable to significant industrial users. The bill would require the state board or a regional board to prescribe effluent limitations as part of the waste discharge requirements of a POTW for specified substances.*

*(2) Existing law subjects any person who violates prescribed provisions of the Clean Water Act or the Porter-Cologne Water Quality Control Act to civil liability, as prescribed.*

*This bill would require liability to be assessed in connection with a violation of those provisions at a level that recovers the economic benefits, if any, derived from the acts that constitute the violation. The bill would require a mandatory minimum penalty of \$3,000 to be assessed under prescribed circumstances. The bill would provide that negligence on the part of the state or the United States is not a defense to liability for any discharge caused by the discharger's own negligence. The bill would require the State Water Resources Control Board to report annually to the Legislature regarding its enforcement activities, as specified.*

*(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*



~~Prior Budget Acts have authorized the expenditure of funds for natural resources.~~

~~This bill would state the intent of the Legislature in enacting the bill to make the necessary statutory changes to implement the Budget Act of 1999 relative to funding for natural resources.~~

~~The bill would declare that it is to take effect immediately as an urgency statute.~~

~~Vote:  $\frac{2}{3}$  majority. Appropriation: no. Fiscal committee: no yes. State-mandated local program: no yes.~~

*The people of the State of California do enact as follows:*

1 ~~SECTION 1. It is the intent of the Legislature in~~  
2 ~~enacting this act to make the necessary statutory changes~~

3 *SECTION 1. It is the intent of the Legislature that the*  
4 *State Water Resources Control Board review and resolve*  
5 *identified problems with permitting, enforcement, and*  
6 *water quality monitoring activities undertaken by the*  
7 *state board and the regional water quality control boards*  
8 *for the purposes of protecting the public health and*  
9 *improving the quality of the environment. In particular,*  
10 *it is the intent of the Legislature that the state board and*  
11 *the regional boards carry out the Clean Water Act (33*  
12 *U.S.C. 1251 et seq.) and the Porter-Cologne Water*  
13 *Quality Control Act (Div. 13 (commencing with Sec.*  
14 *13000), Wat. C.) by ensuring compliance with permit*  
15 *requirements and taking enforcement action in a timely*  
16 *manner when violations are found.*

17 *SEC. 2. The Legislature finds and declares all of the*  
18 *following:*

19 *(a) The State Water Resources Control Board and the*  
20 *regional water quality control boards have identified*  
21 *numerous water bodies throughout the state that are not*  
22 *meeting water quality standards.*

23 *(b) The sources of water quality impairments in*  
24 *California are diverse and include nonpoint sources such*  
25 *as agricultural, forestry, and urban dry weather and*  
26 *stormwater runoff, residential onsite sewage disposal*  
27 *systems, and boats and marinas, and point sources such as*

1 industrial discharges and municipal publicly owned  
2 treatment works (POTWs).

3 (c) The state board and the regional boards prescribe  
4 waste discharge requirements to regulate discharges by  
5 point sources.

6 (d) Recent investigations indicate that current  
7 enforcement efforts of the state board and the regional  
8 boards may not be achieving full compliance with waste  
9 discharge requirements in a timely manner, and that  
10 swift and timely enforcement of waste discharge  
11 requirements will assist in bringing the state's waters into  
12 compliance and will ensure that violators do not realize  
13 economic benefits from noncompliance.

14 (e) To attain water quality standards in the state's  
15 waters, additional efforts are also needed to control  
16 threats to the health of the state's waters that are posed  
17 by nonpoint sources of pollution.

18 SEC. 3. Section 13263.3 is added to the Water Code, to  
19 read:

20 13263.3. (a) The Legislature finds and declares that  
21 pollution prevention should be the first step in a  
22 hierarchy for reducing pollution and managing wastes,  
23 and to achieve environmental stewardship for society.  
24 The Legislature also finds and declares that pollution  
25 prevention is necessary to achieve the federal goal of zero  
26 discharge of pollutants into navigable waters.

27 (b) (1) For the purposes of this section, "pollution  
28 prevention" means any action that causes a net reduction  
29 in the use or generation of a hazardous substance or other  
30 pollutant that is discharged into water and includes any  
31 of the following:

32 (A) "Input change," which means a change in raw  
33 materials or feedstocks used in a production process or  
34 operation so as to reduce, avoid, or eliminate the  
35 generation of pollutants discharged in wastewater.

36 (B) "Operational improvement," which means  
37 improved site management so as to reduce, avoid, or  
38 eliminate the generation of pollutants discharged in  
39 wastewater.

1 (C) “Production process change,” which means a  
2 change in a process, method, or technique that is used to  
3 produce a product or a desired result, including the  
4 return of materials or their components for reuse within  
5 the existing processes or operations, so as to reduce, avoid,  
6 or eliminate the generation of pollutants discharged in  
7 wastewater.

8 (D) “Product reformulation,” which means changes  
9 in design, composition, or specifications of end products,  
10 including product substitution, so as to reduce, avoid, or  
11 eliminate the generation of problem pollutants  
12 discharged in wastewater.

13 (2) For the purposes of this section, “pollution  
14 prevention” does not include actions that merely shift a  
15 pollutant in wastewater from one environmental  
16 medium to another environmental medium, unless clear  
17 environmental benefits of such an approach are  
18 demonstrated.

19 (c) (1) For the purposes of this section, “discharger”  
20 means any entity required to obtain a national pollutant  
21 discharge elimination system (NPDES) permit pursuant  
22 to the Clean Water Act (33 U.S.C. Sec. 1251 et seq.), or any  
23 entity subject to the pretreatment program as defined in  
24 Part 403 (commencing with Section 403.1) of subchapter  
25 N of Chapter 1 of Part 403 of Title 40 of the Code of  
26 Federal Regulations.

27 (2) For the purposes of this section, “industrial  
28 discharger” means any discharger other than a publicly  
29 owned treatment works (POTW).

30 (d) (1) The state board, a regional board, or a POTW  
31 may require a discharger subject to its jurisdiction to  
32 complete a pollution prevention plan if any of the  
33 following apply:

34 (A) A discharger is determined to be a chronic violator  
35 and the board or the POTW determines that pollution  
36 prevention could achieve compliance.

37 (B) The discharger contributes, or has the potential to  
38 contribute, to the formation of a toxic hot spot as defined  
39 in Section 13391.5.

1 (C) The discharger discharges a pollutant for which  
2 the permitted level is lower than the practical  
3 quantification limit and the state board, a regional board,  
4 or the POTW determines that additional reductions of  
5 the pollutant are necessary.

6 (D) The board determines pollution prevention is  
7 necessary to achieve a water quality objective.

8 (2) The state board, a regional board, or a POTW may  
9 require an industrial discharger subject to its jurisdiction  
10 to complete a pollution prevention plan that includes all  
11 of the following:

12 (A) An analysis of the pollutants that the facility  
13 discharges into water or introduces into POTWs, a  
14 description of the sources of the pollutants, and a  
15 comprehensive review of the processes used by the  
16 discharger that result in the generation and discharge of  
17 the pollutants.

18 (B) An analysis of the potential for pollution  
19 prevention to reduce the generation of the pollutants,  
20 including the application of innovative and alternative  
21 technologies and any adverse environmental impacts  
22 resulting from the use of those methods.

23 (C) A detailed description of the tasks and time  
24 schedules required to investigate and implement various  
25 elements of pollution prevention techniques.

26 (D) A statement of the discharger's pollution  
27 prevention goals and strategies, including priorities for  
28 short-term and long-term action.

29 (E) A description of the discharger's intended  
30 pollution prevention activities for the immediate future.

31 (F) A description of the discharger's existing pollution  
32 prevention methods.

33 (G) A statement that the discharger's existing and  
34 planned pollution prevention strategies do not constitute  
35 cross-media pollution transfers, and information that  
36 supports that statement.

37 (H) Toxic chemical release data for those dischargers  
38 subject to Section 313 of the Emergency Planning and  
39 Community Right to Know Act of 1986 (42 U.S.C. Sec.  
40 11023).

1 (I) Proof of compliance with the Hazardous Waste  
2 Source Reduction and Management Review Act of 1989  
3 (Article 11.9 (commencing with Section 25244.12) of  
4 Chapter 6.5 of Division 20 of the Health and Safety Code)  
5 if the discharger is also subject to that act.

6 (J) An analysis of the relative costs and benefits of the  
7 possible pollution prevention activities.

8 (3) A regional board may require a POTW to complete  
9 a pollution prevention plan that includes all of the  
10 following:

11 (A) An estimate of all of the sources of a pollutant  
12 contributing, or potentially contributing, to the loadings  
13 of a pollutants in the treatment plant influent.

14 (B) An analysis of the methods that could be used to  
15 prevent the discharge of the pollutants into the POTW,  
16 including application of local limits to industrial or  
17 commercial dischargers regarding pollution prevention  
18 techniques, public education and outreach, or other  
19 innovative and alternative approaches to reduce  
20 discharges of the pollutant to the POTW. The analysis also  
21 shall identify sources, or potential sources, not within the  
22 ability or authority of the POTW to control, such as  
23 pollutants in the potable water supply, airborne  
24 pollutants, pharmaceuticals, or pesticides, and estimate  
25 the magnitude of those sources, to the extent feasible.

26 (C) An estimate of load reductions that may be  
27 attained through the methods identified in subparagraph  
28 (B).

29 (D) A plan for monitoring the results of the pollution  
30 prevention program.

31 (E) A description of the tasks, cost, and time required  
32 to investigate and implement various elements in the  
33 pollution prevention plan.

34 (F) A statement of the POTW's pollution prevention  
35 goals and strategies, including priorities for short-term  
36 and long-term action, and a description of the POTW's  
37 intended pollution prevention activities for the  
38 immediate future.

39 (G) A description of the POTW's existing pollution  
40 prevention programs.



1 (H) An analysis, to the extent feasible, of any adverse  
2 environmental impacts, including cross-media impacts or  
3 substitute chemicals, that may result from the  
4 implementation of the pollution prevention program.

5 (I) An analysis, to the extent feasible, of the costs and  
6 benefits that may be incurred to implement the pollution  
7 prevention program.

8 (e) The state board or the regional board may establish  
9 a schedule of actions identified in the pollution  
10 prevention plans for the discharger.

11 (f) The state board or regional board shall solicit  
12 comments from the public on a pollution prevention plan  
13 prepared pursuant to this section and address the public  
14 comments when determining what schedule of actions, if  
15 any, to establish for the discharger pursuant to this  
16 section.

17 (g) The state board and regional boards shall make the  
18 pollution prevention plans available for public review,  
19 except to the extent that information is classified as  
20 confidential because it is a trade secret. Trade secret  
21 information shall be set forth in an appendix that is not  
22 available to the public.

23 (h) Any costs incurred by the state board or a regional  
24 board resulting from actions required by this section shall  
25 be paid for from revenue generated by the fees imposed  
26 by Section 13260.

27 (i) The state board or regional board may assess civil  
28 penalties pursuant to Section 13385 against a discharger  
29 for failure to complete a pollution prevention plan  
30 ordered by the state board or a regional board, or for  
31 failure to comply with a schedule of actions ordered by  
32 the state board or a regional board pursuant to this  
33 section.

34 (j) A POTW may assess civil penalties and civil  
35 administrative penalties pursuant to Sections 54740,  
36 54740.5, and 54740.6 of the Government Code against an  
37 industrial discharger for failure to complete a pollution  
38 prevention plan when ordered by the POTW, for  
39 submitting a plan that does not comply with the act, or for  
40 failure to comply with a schedule of actions ordered by



1 *the POTW pursuant to this section, unless the regional*  
2 *board has assessed penalties for the same action.*

3 *(k) A discharger may change its pollution prevention*  
4 *plan, including withdrawing from a pollution prevention*  
5 *measure approved by the state board, a regional board,*  
6 *or a POTW, if the discharger determines that the*  
7 *measure will have a negative impact on product quality,*  
8 *the safe operation of the facility, or the environmental*  
9 *aspects of the facilities operation, and the discharger*  
10 *demonstrates to the board or the POTW an alternative*  
11 *measure that achieves that same pollution prevention*  
12 *objective.*

13 *(l) The state board shall adopt a format to be used by*  
14 *dischargers for completing the plan required by this*  
15 *section. The format shall address all of the factors the*  
16 *discharger is required to include in the plan. The board*  
17 *may include any other factors determined by the board*  
18 *to be necessary to carry out this section. The adoption of*  
19 *the format pursuant to this section is not subject to*  
20 *Chapter 3.5 (commencing with Section 11340) of Part 1*  
21 *of Division 3 of Title 2 of the Government Code.*

22 *SEC. 4. Section 13263.6 is added to the Water Code, to*  
23 *read:*

24 *13263.6. (a) A publicly owned treatment works*  
25 *(POTW) may require pollution prevention plans as*  
26 *described in Section 13263.3 as part of the pretreatment*  
27 *requirements applicable to significant industrial users.*

28 *(b) The state board or a regional board shall prescribe*  
29 *effluent limitations as part of the waste discharge*  
30 *requirements of a POTW for all substances that the most*  
31 *recent toxic chemical release data reported to the state*  
32 *emergency response commission pursuant to Section 313*  
33 *of the Emergency Planning and Community Right to*  
34 *Know Act of 1986 (42 U.S.C. Sec. 11023) indicate are*  
35 *discharged into the POTW and that the state board or a*  
36 *regional board has determined has the reasonable*  
37 *potential to impair water quality.*

38 *SEC. 5. Section 13362 is added to the Water Code, to*  
39 *read:*

1 13362. A publicly owned treatment works (POTW)  
2 with an approved pretreatment program may conduct  
3 inspections in accordance with the provisions of Sections  
4 403.8(f)(1)(v) and 403.8(f)(2)(v) of Title 40 of the Code  
5 of Federal Regulations and assess and collect civil  
6 penalties and civil administrative penalties in accordance  
7 with Sections 54740, 54740.5, and 54740.6 of the  
8 Government Code, with regard to all dischargers of  
9 industrial waste to the POTW.

10 SEC. 6. Section 13385 of the Water Code is amended  
11 to read:

12 13385. (a) Any person who violates any of the  
13 following shall be liable civilly in accordance with  
14 ~~subdivisions (b), (c), (d), (e), and (f)~~ this section:

15 (1) Section 13375 or 13376.

16 (2) Any waste discharge requirements or dredged and  
17 fill material permit.

18 (3) Any requirements established pursuant to Section  
19 13383.

20 (4) Any order or prohibition issued pursuant to  
21 Section 13243 or Article 1 (commencing with Section  
22 13300) of Chapter 5, if the activity subject to the order or  
23 prohibition is subject to regulation under this chapter.

24 (5) Any requirements of Section 301, 302, 306, 307, 308,  
25 318, or 405 of the Federal Water Pollution Control Act, as  
26 amended.

27 (6) Any requirement imposed in a pretreatment  
28 program approved pursuant to waste discharge  
29 requirements issued under Section 13377 or approved  
30 pursuant to a permit issued by the administrator.

31 (b) Civil liability may be imposed by the superior  
32 court in an amount not to exceed the sum of both of the  
33 following:

34 (1) Twenty-five thousand dollars (\$25,000) for each  
35 day in which the violation occurs.

36 (2) Where there is a discharge, any portion of which is  
37 not susceptible to cleanup or is not cleaned up, and the  
38 volume discharged but not cleaned up exceeds 1,000  
39 gallons, an additional liability not to exceed twenty-five  
40 dollars (\$25) ~~times~~ multiplied by the number of gallons

1 by which the volume discharged but not cleaned up  
2 exceeds 1,000 gallons.

3 The Attorney General, upon request of a regional  
4 board or the state board, shall petition the superior court  
5 to impose the liability.

6 (c) Civil liability may be imposed administratively by  
7 the state board or a regional board pursuant to Article 2.5  
8 (commencing with Section 13323) of Chapter 5 in an  
9 amount not to exceed the sum of both of the following:

10 (1) Ten thousand dollars (\$10,000) for each day in  
11 which the violation occurs.

12 (2) Where there is a discharge, any portion of which is  
13 not susceptible to cleanup or is not cleaned up, and the  
14 volume discharged but not cleaned up exceeds 1,000  
15 gallons, an additional liability not to exceed ten dollars  
16 (\$10)—~~times~~ *multiplied* by the number of gallons by which  
17 the volume discharged but not cleaned up exceeds 1,000  
18 gallons.

19 (d) For purposes of subdivisions (b) and (c), the term  
20 “discharge” includes any discharge to navigable waters of  
21 the United States, any introduction of pollutants into a  
22 publicly owned treatment works, or any use or disposal of  
23 sewage sludge.

24 (e) In determining the amount of any liability  
25 imposed under this section, the regional board, the state  
26 board, or the superior court, as the case may be, shall take  
27 into account the nature, circumstances, extent, and  
28 gravity of the violation, and, with respect to the violator,  
29 the ability to pay, any prior history of violations, the  
30 degree of culpability, economic benefit or savings, if any,  
31 resulting from the violation, and other matters that  
32 justice may require. *At a minimum, liability shall be*  
33 *assessed at a level that recovers the economic benefits, if*  
34 *any, derived from the acts that constitute the violation.*

35 (f) For purposes of this section, a single operational  
36 upset ~~which~~ *that* leads to simultaneous violations of more  
37 than one pollutant parameter shall be treated as a single  
38 violation.

39 (g) Remedies under this section are in addition to, and  
40 do not supersede or limit, any other remedies, civil or

1 criminal except that no liability shall be recoverable  
2 under Section 13261, 13265, 13268, or 13350 for violations  
3 for which liability is recovered under this section.

4 ~~(h) The Attorney General, upon request of a regional~~  
5 ~~board or the state board, shall petition the appropriate~~  
6 ~~court to collect any liability imposed pursuant to this~~  
7 ~~section. Any person who fails to pay on a timely basis any~~  
8 ~~liability imposed under this section shall be required to~~  
9 ~~pay, in addition to that liability plus interest, attorneys'~~  
10 ~~fees and costs for collection proceedings and a quarterly~~  
11 ~~nonpayment penalty for each quarter during which the~~  
12 ~~failure to pay persists. The nonpayment penalty shall be~~  
13 ~~in an amount equal to 20 percent of the aggregate amount~~  
14 ~~of the person's liability and nonpayment penalties which~~  
15 ~~are unpaid as of the beginning of the quarter.~~

16 ~~(i) Funds collected pursuant to this section shall be~~  
17 ~~paid to the State Water Pollution Cleanup and~~  
18 ~~Abatement Account.~~

19 *(h) (1) Notwithstanding any other provision of this*  
20 *division, a mandatory minimum penalty of three*  
21 *thousand dollars (\$3,000) shall be assessed for the first*  
22 *serious violation in any 180-day period, except that in lieu*  
23 *of assessing that penalty the state board or the regional*  
24 *board may elect to require the discharger to spend an*  
25 *amount equal to the penalty to mitigate the subject waste*  
26 *discharge, or to develop a pollution prevention plan.*

27 *(2) For the purpose of this section, a serious violation*  
28 *means any waste discharge that exceeds the effluent*  
29 *limitations for a Group II pollutant, as specified in*  
30 *Appendix A to Section 123.45 of Title 40 of the Code of*  
31 *Federal Regulations, by 20 percent or more or for a Group*  
32 *I pollutant, as specified in Appendix A to Section 123.45*  
33 *of Title 40 of the Code of Federal Regulations, by 40*  
34 *percent or more.*

35 *(i) Notwithstanding any other provision of this*  
36 *division, a minimum mandatory penalty of three*  
37 *thousand dollars (\$3,000) shall be assessed for each*  
38 *violation if either of the following applies:*

39 *(1) The person commits two or more serious violations*  
40 *in any 180-day period.*

1     (2) *The person does any of the following four or more*  
2 *times in any 180-day period:*

3     (A) *Exceeds a waste discharge requirement effluent*  
4 *limitation.*

5     (B) *Fails to file a report pursuant to Section 13260.*

6     (C) *Files an incomplete report pursuant to Section*  
7 *13260.*

8     (j) *Mandatory penalties shall not be assessed under*  
9 *this section if the violations are caused by one or any*  
10 *combination of the following:*

11     (1) *An act of war.*

12     (2) *An unanticipated, grave natural disaster or other*  
13 *natural phenomenon of an exceptional, inevitable, and*  
14 *irresistible character; the effects of which could not have*  
15 *been prevented or avoided by the exercise of due care or*  
16 *foresight.*

17     (3) *An intentional act of a third party, the effects of*  
18 *which could not have been prevented or avoided by the*  
19 *exercise of due care or foresight.*

20     (k) *The Attorney General, upon request of a regional*  
21 *board or the state board, shall petition the appropriate*  
22 *court to collect any penalty imposed pursuant to this*  
23 *section. Any person who fails to pay on a timely basis any*  
24 *penalty imposed under this section shall be required to*  
25 *pay, in addition to that penalty, interest, attorneys' fees,*  
26 *costs for collection proceedings, and a quarterly*  
27 *nonpayment penalty for each quarter during which the*  
28 *failure to pay persists. The nonpayment penalty shall be*  
29 *in an amount equal to 20 percent of the aggregate amount*  
30 *of the person's penalty and nonpayment penalties that*  
31 *are unpaid as of the beginning of the quarter.*

32     (l) *Funds collected pursuant to this subdivision shall*  
33 *be deposited in the State Water Pollution Cleanup and*  
34 *Abatement Account.*

35     (m) (1) *Notwithstanding Section 7550.5 of the*  
36 *Government Code, the state board shall report annually*  
37 *to the Legislature regarding its enforcement activities.*  
38 *The reports shall include all of the following:*

39     (A) *A compilation of the number of violations of waste*  
40 *discharge requirements in the previous year.*

1 (B) A record of the enforcement actions taken for  
2 each violation.

3 (C) An analysis of the effectiveness of current  
4 enforcement policies.

5 (D) Recommendations, if any, necessary for  
6 improvements to the enforcement program in the  
7 following year.

8 (2) The report shall be submitted to the Chairperson  
9 of the Assembly Committee on Environmental Safety  
10 and Toxic Materials and the Chairperson of the Senate  
11 Committee on Environmental Quality on or before  
12 March 1 of each year.

13 (n) Negligence on the part of the state, the United  
14 States, or any department or agency thereof, shall not be  
15 a defense to liability imposed pursuant to this section for  
16 any discharge caused by the discharger's own negligence.

17 SEC. 7. Notwithstanding Section 17610 of the  
18 Government Code, if the Commission on State Mandates  
19 determines that this act contains costs mandated by the  
20 state, reimbursement to local agencies and school  
21 districts for those costs shall be made pursuant to Part 7  
22 (commencing with Section 17500) of Division 4 of Title  
23 2 of the Government Code. If the statewide cost of the  
24 claim for reimbursement does not exceed one million  
25 dollars (\$1,000,000), reimbursement shall be made from  
26 the State Mandates Claims Fund.

27 ~~to implement the Budget Act of 1999 relative to funding~~  
28 ~~for natural resources.~~

29 ~~SEC. 2. This act is an urgency statute necessary for the~~  
30 ~~immediate preservation of the public peace, health, or~~  
31 ~~safety within the meaning of Article IV of the~~  
32 ~~Constitution and shall go into immediate effect. The facts~~  
33 ~~constituting the necessity are:~~

34 ~~In order to make statutory changes to implement the~~  
35 ~~Budget Act of 1999 as soon as possible, it is necessary that~~  
36 ~~this act take effect immediately.~~